H.126 Side by Side Comparison Ellen Czajkowski 10 May 2023

Section	As Passed by House	As Passed by Senate
1	Short title	No changes
2	Sec. 2. FINDINGS	Sec. 2. FINDINGS
	The General Assembly finds:	The General Assembly finds:
	(1) Nature is facing a catastrophic loss of biodiversity,	(1) Nature is facing a catastrophic loss of biodiversity, both
	both globally and locally.	globally and locally.
	(2) In addition to its intrinsic value, biodiversity is	(2) In addition to its intrinsic value, biodiversity is essential
	essential to human survival.	to human survival.
	(3) According to the United Nations:	(3) According to the United Nations:
	(A) one million species of plants and animals are	(A) one million species of plants and animals are
	threatened with extinction;	threatened with extinction;
	(B) human activity has altered almost 75 percent of the	(B) human activity has altered almost 75 percent of the
	Earth's surface, squeezing wildlife and nature into ever-smaller	Earth's surface, squeezing wildlife and nature into ever-smaller
	natural areas of the planet;	natural areas of the planet;
	(C) the health of ecosystems on which humans and all	(C) the health of ecosystems on which humans and all
	other species depend is deteriorating more rapidly than ever,	other species depend is deteriorating more rapidly than ever,
	affecting the very foundations of economies, livelihoods, food	affecting the very foundations of economies, livelihoods, food
	security, health, and quality of life worldwide; and	security, health, and quality of life worldwide; and
	(D) the causes of the drivers of changes in nature rank	(D) the causes of the drivers of changes in nature rank as
	as follows:	follows:
	(i) changes in land and sea use;	(i) changes in land, water, and sea use;
	(ii) direct exploitation of organisms;	(ii) direct exploitation of organisms;
	(iii) climate change;	(iii) climate change;
	(iv) pollution, and	(iv) pollution; and
	(v) invasive species.	(v) invasive species.
	(4) The 2017 Vermont Forest Action Plan found that	(4) The 2017 Vermont Forest Action Plan found that
	fragmentation and parcelization represent major threats to forest	fragmentation and parcelization represent major threats to forest
	health and productivity and exacerbate the impacts of climate	health and productivity and exacerbate the impacts of climate
	change.	change.
	(5) In 2022 Acts and Resolves No. 183, Department of	(5) In 2022 Acts and Resolves No. 183, the Department of
	Forests, Park and Recreations was tasked with developing a	Forests, Parks and Recreation was tasked with developing the
	Vermont Forest Future Strategic Roadmap to strengthen,	Vermont Forest Future Strategic Roadmap to strengthen,
	modernize, promote, and protect the forest products sector, the	modernize, promote, and protect the forest products sector and the

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diverse array of high-quality products now and in the future.	diverse array o
(6) The 2021 Vermont Climate Assessment highlights an	(6) The
increase in extreme weather events such as droughts and floods	increase in extr
as a significant impact of climate change in Vermont and	a significant in
recommends nature-based solutions as a proven, low-cost	recommends na
strategy for climate adaptation and resilience.	for climate ada
(7) The initial Vermont Climate Action Plan calls for	<u>(7)</u> The
investing in strategic conservation to increase the pace of	investing in str
permanent conservation towards 30 by 30 targets, with Vermont	permanent con
Conservation Design guiding prioritization of efforts.	Conservation I
	(8) Fresl
	percent globall
	biodiversity in
	freshwater spec
	<u>(9) App</u>
	Vermont are di
	degradation and
(8) The Nature Conservancy has developed the Resilient	<u>(10)</u> The
and Connected Landscapes project and found that Vermont	and Connected
plays a key role in the conservation of biodiversity regionally.	key role in the
(9) The Staying Connected Initiative is an international	<u>(11)</u> The
partnership of public and private organizations. Its goal is to	partnership of
maintain, enhance, and restore landscape connectivity for wide-	maintain, enha
ranging mammals across the Northern Appalachians-Acadian	ranging mamm
region, from the Adirondack Mountains to the Maritime	region, from th
Provinces. The Staying Connected Initiative has identified nine	Provinces. The
linkages across this vast region that are extremely important to	linkages across
wildlife. Six of these linkages lie within Vermont.	wildlife. Six o
(10) The Vermont Department of Fish and Wildlife,	<u>(12)</u> The
working within the Agency of Natural Resources and with	working within
Vermont conservation organizations, has developed Vermont	Vermont conse

greater forest economy, and promote the importance of healthy,

Conservation Design, a framework to sustain the State's ecologically functional landscape into the future.

greater forest economy and promote the importance of healthy, resilient, and sustainably managed working forests that provide a resilient, and sustainably managed working forests that provide a of high-quality products now and in the future.

2021 Vermont Climate Assessment highlights an reme weather events such as droughts and floods as npact of climate change in Vermont and ature-based solutions as a proven, low-cost strategy ptation and resilience.

initial Vermont Climate Action Plan calls for ategic conservation to increase the pace of servation towards 30 by 30 targets, with Vermont Design guiding prioritization of efforts.

hwater vertebrate populations have declined by 84 y since 1970, twice the rate of decline of terrestrial and marine biomes. Almost one in three cies are threatened with extinction.

oximately 75 percent of all river miles assessed in sconnected from their floodplains, indicating d exacerbating flood-related damages.

Nature Conservancy has developed the Resilient Landscapes project and found that Vermont plays a conservation of biodiversity regionally.

e Staying Connected Initiative is an international public and private organizations. Its goal is to nce, and restore landscape connectivity for wideals across the Northern Appalachians-Acadian e Adirondack Mountains to the Maritime e Staying Connected Initiative has identified nine this vast region that are extremely important to f these linkages lie within Vermont.

e Vermont Department of Fish and Wildlife, the Agency of Natural Resources and with Vermont conservation organizations, has developed Vermont Conservation Design, a framework to sustain the State's ecologically functional landscape into the future.

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	(11) Intact and connected ecosystems support Vermont's	(13) Intact and connected ecosystems support Vermont's
	biodiversity, reduce flood risks, mitigate drought, and sequester	biodiversity, reduce flood risks, mitigate drought, and sequester
	and store carbon.	and store carbon.
	(12) Vermont's most effective and efficient contribution	(14) Vermont's most effective and efficient contribution to
	to conserving biological diversity and maintaining a landscape	conserving biological diversity and maintaining a landscape
	resilient to climate change is to conserve an intact and connected	resilient to climate change is to conserve an intact and connected
	landscape.	landscape.
	(13) In order to maintain ecological functions in intact and	(15) In order to maintain ecological functions in intact and
	connected ecosystems, the full range of conservation approaches	connected ecosystems, the full range of conservation approaches is
	is needed, including supporting private landowner education,	needed, including supporting private landowner education,
	technical assistance, and programs; conservation easements that	technical assistance, and programs; conservation easements that
	promote sustainable forest management; and conservation	promote sustainable forest management; and conservation
	easements and fee acquisitions focused on passive management.	easements and fee acquisitions focused on passive management.
	(14) The Vermont Housing Finance Agency's 2020	(16) The Vermont Housing Finance Agency's 2020
	Housing Needs Assessment projected an urgent pre-pandemic	Housing Needs Assessment projected an urgent pre-pandemic
	need for new housing. Strategic investment in conservation is	need for new housing. Strategic investment in conservation is
	consistent with construction of housing in Vermont's villages	consistent with construction of housing in Vermont's villages and
	and town centers.	town centers.
	(15) The land and waters, forests and farms, and	(17) The land and waters, forests and farms, and ecosystems
	ecosystems and natural communities in Vermont are the	and natural communities in Vermont are the traditional and
	traditional and unceded home of the Abenaki people. Access to	unceded home of the Abenaki people. Access to land and land-
	land and land-based enterprises has excluded Black, Indigenous,	based enterprises has excluded Black, Indigenous, and Persons of
	and Persons of Color (BIPOC) Vermonters and others from	Color (BIPOC) Vermonters and others from historically
	historically marginalized and disadvantaged communities in the	marginalized and disadvantaged communities in the centuries of
	centuries of European settlement. Efforts to increase land	European settlement. Efforts to increase land conservation must
	conservation must also include opportunities to increase access	also include opportunities to increase access to land and land-
	to land and land-based enterprise for Indigenous People and all	based enterprise for Indigenous People and all who come from
	who come from historically marginalized and disadvantaged	historically marginalized and disadvantaged communities.
	communities.	
3		. chapter 89
	<u>§ 2801. DEFINITIONS</u>	<u>§ 2801. DEFINITIONS</u>
	As used in this section:	As used in this section:
	(1) "Ecological reserve area" means an area having	(1) "Ecological reserve area" means an area having
	permanent protection from conversion of natural land cover and	permanent protection from conversion and that is managed to
	that is managed to maintain a natural state within which natural	maintain a natural state within which natural ecological processes

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staining species or habitats. These areas may include	habitats. These areas may include regular, active interventions to
ar, active interventions to address the needs of particular	address the needs of particular species or to maintain or restore
es or to maintain or restore habitats.	habitats.
(3) "Natural resource management area" means an area	(3) "Natural resource management area" means an area
g permanent protection from conversion of natural land	having permanent protection from conversion for the majority of
for the majority of the area but that is subject to long-term	the area but that is subject to long-term, sustainable land
nable forest management.	management.
-	(4) "Conversion" means a fundamental change in natural
	ecosystem type or habitat, natural or undeveloped land cover type,
	or natural form and function of aquatic systems.
(4) "Sustainable forest management" means the	(5) "Sustainable land management" means the stewardship
rdship and use of forests and forestlands in a way, and at a	and use of forests and forestlands, grasslands, wetlands, riparian
hat maintains their biodiversity, productivity, regeneration	areas, and other lands, including the types of agricultural lands that
ity, vitality, and their potential to fulfill, now and in the	support biodiversity, in a way, and at a rate, that maintains or
e, relevant ecological, economic, and social functions at	restores their biodiversity, productivity, regeneration capacity,
State, and regional levels, and that does not degrade	vitality, and their potential to fulfill, now and in the future,
stem function.	relevant ecological, economic, and social functions at local, State,
	and regional levels, and that does not degrade ecosystem function.
(5) "Conserved" means permanently protected and	(6) "Conserved" means permanently protected and meeting
ng the definition of ecological reserve area, biodiversity	the definition of ecological reserve area, biodiversity conservation
ervation area, or natural resource management area as	area, or natural resource management area as defined in this
ed in this section.	section for purposes of meeting the 30 percent goal in subsection
	2802(b) of this title. For purposes of meeting the 50 percent goal
	of subsection 2802(b) of this title, "conserved" primarily means
	permanently protected and meeting the definition of ecological
	reserve area, biodiversity conservation area, or natural resource
	management area as defined in this section, although other long-
	term land protection mechanisms and measures that achieve the
	goals of Vermont Conservation Design that are enforceable and
	accountable and that support an ecologically functional and
	connected landscape may be considered.
	VT LEG #369716
	V1 LEG #309/10

ecological processes and disturbance events are allowed to proceed with minimal interference.

(2) "Biodiversity conservation area" means an area having permanent protection from conversion of natural land cover for the majority of the area and that is managed for the primary goal of sus regula specie

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meeti conse define and disturbance events are allowed to proceed with minimal interference.

(2) "Biodiversity conservation area" means an area having permanent protection from conversion for the majority of the area and that is managed for the primary goal of sustaining species or active interventions to o maintain or restore

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	§ 2802. CONSERVATION VISION AND GOALS	§ 2802. CONSERVATION VISION AND GOALS
	(a) The vision of the State of Vermont is to maintain an	(a) The vision of the State of Vermont is to maintain an
	ecologically functional landscape that sustains biodiversity,	ecologically functional landscape that sustains biodiversity,
	maintains landscape connectivity, promotes climate resilience,	maintains landscape connectivity, supports watershed health,
	supports working farms and forests, provides opportunities for	promotes climate resilience, supports working farms and forests,
	recreation and appreciation of the natural world, and supports	provides opportunities for recreation and appreciation of the
	the historic settlement pattern of compact villages surrounded by	natural world, and supports the historic settlement pattern of
	rural lands and natural areas.	compact villages surrounded by rural lands and natural areas.
	(b) It is the goal of the State that 30 percent of Vermont's	(b) It is the goal of the State that 30 percent of Vermont's total
	total land area shall be conserved by 2030, and 50 percent of the	land area shall be conserved by 2030, and 50 percent of the State's
	State's total land area shall be conserved by 2050. The	total land area shall be conserved by 2050. The Secretary of
	Secretary of Natural Resources shall lead the effort in achieving	Natural Resources shall lead the effort in achieving these goals.
	these goals. The land conserved shall include State, federal,	The land conserved shall include State, federal, municipal, and
	municipal, and private land.	private land.
	(c) Reaching 30 percent by 2030 and 50 percent by 2050	(c) Reaching 30 percent by 2030 and 50 percent by 2050 shall
	shall include a mix of ecological reserve areas, biodiversity	include a mix of ecological reserve areas, biodiversity
	conservation areas, and natural resource management areas. In	conservation areas, and natural resource management areas. In
	order to support an ecologically functional and connected	order to support an ecologically functional and connected
	landscape with sustainable production of natural resources and	landscape with sustainable production of natural resources and
	recreational opportunities, the approximate percentages of each	recreational opportunities, the approximate percentages of each
	type of conservation category shall be guided by the principles	type of conservation category shall be guided by the principles of
	of conservation science and the conservation targets within	conservation science and the conservation targets within Vermont
	Vermont Conservation Design, prioritizing ecological reserve	Conservation Design, prioritizing ecological reserve areas to
	areas to protect highest priority natural communities and	protect highest priority natural communities and maintain or
	maintain or restore old forests.	restore old forests.
	<u>§ 2803. CONSERVED LAND INVENTORY</u>	<u>§ 2803. CONSERVED LAND INVENTORY</u>
	(a) On or before July 1, 2024, the Secretary, with assistance	(a) On or before July 1, 2024, the Vermont Housing and
	from the Vermont Housing and Conservation Board, shall create	Conservation Board, in consultation with the Secretary, shall
	an inventory of Vermont's conserved land and conservation	create an inventory of Vermont's conserved land and conservation
	policies to serve as the basis of meeting the conservation goals	policies to serve as the basis of meeting the conservation goals of
	of Vermont Conservation Design and to meet the goals	Vermont Conservation Design and to meet the goals established in
	established in section 2802 of this title. The inventory shall be	section 2802 of this title. The inventory shall be submitted for
	submitted for review to the House Committees on Environment	review to the House Committees on Environment and Energy and
	and Energy and on Agriculture, Food Resiliency, and Forestry	on Agriculture, Food Resiliency, and Forestry and the Senate
	and the Senate Committee on Natural Resources and Energy.	Committee on Natural Resources and Energy.
	(b) The inventory shall include:	(b) The inventory shall include:

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(1) a review of the three conservation categories defined	(1) A review of the three conservation categories defined in
in section 2801 of this title and suggestions for developing any	section 2801 of this title and suggestions for developing any
modifications or additions to these categories that maintain or	modifications or additions to these categories that maintain or
complement the core concepts of ecological reserve areas,	complement the core concepts of ecological reserve areas,
biodiversity conservation areas, and natural resource	biodiversity conservation areas, and natural resource management
management areas in order to complete the conserved land	areas in order to complete the conserved land inventory and
inventory and inform the comprehensive strategy in the	inform the comprehensive strategy in the conservation plan. As
conservation plan;	part of this review, criteria shall be developed to determine the
	types of agricultural lands that will qualify as supporting and
	restoring biodiversity and therefore count towards the natural
	resource management area category.
(2) the amount of conserved land in Vermont that fits into	(2) The amount of conserved land in Vermont that fits into
each of the three conservation categories defined in section 2801	each of the three conservation categories defined in section 2801
of this title, including public and private land. The inventory	of this title, including public and private land. The inventory shall
shall also include other lands permanently protected from	also include other lands permanently protected from development
development by fee ownership or subject to conservation	by fee ownership or subject to conservation easements.
easements;	(3) A summary of the totality of conservation practices,
(3) a summary of the totality of conservation practices,	both permanent and intermediate, available for reaching the goals
both permanent and intermediate, available for reaching the	of this chapter, including what they are, what they do, how they
goals of this chapter, including what they are, what they do, how	contribute, and what metrics are available to quantify them.
they contribute, and what metrics are available to quantify them;	(4) An assessment of how State lands will be used to
(4) an assessment of how State lands will be used to	increase conserved ecological reserve areas.
increase conserved ecological reserve areas;	(5) The implementation methods that could be utilized for
(5) the implementation methods that could be utilized for	achieving the goals of this chapter using Vermont Conservation
achieving the goals of this chapter using Vermont Conservation	Design as a guide.
Design as a guide;	(6) A review of how aquatic systems are currently
(6) an assessment of how water is protected in the State	conserved or otherwise protected in the State, including a
and how protection of aquatic systems may be addressed in the	description of the benefits land conservation provides for aquatic
<u>plan;</u>	systems, whether this is sufficient to maintain aquatic system
	functions and services, and how the implementation methods for
	achieving the goals of this chapter using Vermont Conservation
	Design as a guide would include specific strategies for protecting
	aquatic system health.
(7) how existing programs will be used to meet the	(7) How existing programs will be used to meet the
permanent, nonconversion conservation goals of this chapter and	conservation goals of this chapter and recommendations for new
recommendations for new programs that will be needed to meet	programs, if any, that will be needed to meet the goals.
the goals;	

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7	 (8) an assessment of existing funding and recommendations for new funding sources that will be needed for acquisition of land, purchase or donation of conservation easements, staffing capacity, and long-term stewardship to meet the goals; (9) an equity assessment of existing land protection and conservation strategies and programs; and 	 (8) An assessment of existing funding and recommendations for new funding sources that will be needed for acquisition of land, purchase or donation of conservation easements, staffing capacity, and long-term stewardship to meet the goals. (9) An equity assessment of existing land protection and conservation strategies and programs. (10) An evaluation of the opportunities related to intergenerational land transfer trends and how the State could proactively direct resources to achieve conservation at the time of transfer. § 2804. CONSERVATION PLAN
	(a) On or before December 31, 2025, the Secretary, with assistance from the Vermont Housing and Conservation Board, shall develop a plan to implement the conservation goals of Vermont Conservation Design and to meet the goals established in section 2802 of this title. The plan shall be submitted for review to the House Committees on Environment and Energy and on Agriculture, Food Resiliency, and Forestry and the Senate Committee on Natural Resources and Energy. (b) The plan shall include: (1) a comprehensive strategy for achieving the goals of section 2802 of this title while continuing to conserve and protect Vermont's agricultural land, working forests, historic properties, recreational lands, and surface waters; (2) the implementation methods for achieving the vision and goals of this chapter using Vermont Conservation Design as a guide; (3) recommendations to increase equitable access to	 (a) On or before December 31, 2025, the Vermont Housing and Conservation Board, in consultation with the Secretary, shall develop a plan to implement the conservation goals of Vermont Conservation Design and to meet the vision and goals established in section 2802 of this title. The plan shall be submitted for review to the House Committees on Environment and Energy and on Agriculture, Food Resiliency, and Forestry and the Senate Committee on Natural Resources and Energy. (b) The plan shall include: (1) a comprehensive strategy for achieving the vision and goals of section 2802 of this title while continuing to conserve and protect Vermont's agricultural land, working forests, historic properties, recreational lands, and surface waters; (2) the implementation methods for achieving the vision and goals of this chapter using Vermont Conservation Design as a guide; (3) recommendations to provide and increase equitable
	(4) recommendations to implement the vision and goals of this chapter while also enhancing the State of Vermont's current investments and commitments to working lands enterprises, rural landowners, and the broad conservation mission	access to protected and conserved lands and land-based enterprises, including recreational access to and use of conserved lands; and (4) recommendations to implement the vision and goals of this chapter while also enhancing the State of Vermont's current investments and commitments to working lands enterprises, rural landowners, and the broad conservation mission implemented by

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	implemented by the Secretary and VHCB, including	the Secretary and VHCB, including conservation of agricultural
	conservation of agricultural land, working forests, historic	land, working forests, historic properties, recreational lands, and
	properties, recreational lands, and surface waters.	surface waters.
	(c) In developing the plan, the Secretary, with assistance	(c) In developing the plan, the Vermont Housing and
	from the Vermont Housing and Conservation Board, shall hold	Conservation Board, in consultation with the Secretary, shall hold
	12 or more public meetings on the plan between July 1, 2023	12 or more public meetings on the plan between July 1, 2023 and
	and December 31, 2025 to solicit input from stakeholders.	December 31, 2025 to solicit input from stakeholders.
	Stakeholders shall include private owners of forestlands and	Stakeholders shall include private owners of forestlands and
	agricultural lands, land trusts, conservation organizations,	agricultural lands, land trusts, conservation organizations,
	environmental organizations, working lands enterprises, outdoor	environmental organizations, working lands enterprises, outdoor
	recreation groups and businesses, Indigenous groups and	recreation groups and businesses, Indigenous groups and
	representatives from historically marginalized and disadvantaged	representatives from historically marginalized and disadvantaged
	communities, municipalities, regional planning commissions,	communities, watershed groups, municipalities, regional planning
	conservation commissions, and relevant State and federal	commissions, conservation commissions, and relevant State and
	agencies. At least three of the meetings shall be designed to	federal agencies. At least three of the meetings shall be designed
	solicit comments from the general public.	to solicit comments from the general public.
	(d) The conserved land inventory established in 2803 of this	(d) The conserved land inventory established in 2803 of this
	title shall be updated biennially to track progress toward meeting	title shall be updated biennially to track progress toward meeting
	the goals of this chapter, which shall be publicly available, and	the vision and goals of this chapter, which shall be publicly
	the Secretary shall submit a report to the relevant committees on	available, and the Secretary shall submit a report to the relevant
	or before January 15 following each update.	committees on or before January 15 following each update.
4	Sec. 4. APPROPRIATIONS	Sec. 4. APPROPRIATIONS
	(a) The sum of \$75,000.00 is appropriated from the General	(a) The sum of \$75,000.00 is appropriated from the General
	Fund to the Vermont Housing and Conservation Board in fiscal	Fund to the Vermont Housing and Conservation Board in fiscal
	year 2024 to support public education and outreach to inform the	year 2024 to support public education and outreach to inform the
	development of the statewide conservation plan.	development of the statewide conservation plan.
		(b) The sum of \$150,000.00 is appropriated from the General
		Fund to the Agency of Natural Resources in fiscal year 2024 to
		hire a limited-service position to support the development of the
		statewide conservation plan.
5	Effective date	*

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